

REMARKS

This communication is in response to the Office Action mailed on December 22, 2004. In the Office Action, claims 1-11 were pending, of which claims 1-11 are rejected.

The Office Action first reports that claims 2-3 and 6-11 were rejected under 35 U.S.C. §112 as being indefinite. In particular, claim 2 was reported to lack antecedent basis for "the bottom side" and "the two lateral sides". The Office Action further directed attention to claim 8. The Office Action states that claim 3 was vague because only two drain channels extend transversely while four such channels were claimed. The Office Action further directed attention to claim 9. The Office Action states that claim 6 defined alternative structures and vague terms and further directed attention to claim 11. The Office Action states that claim 7 was vague as each recess holds only one guide. Claims 3, 6, 9, and 11 have each been amended in a way that is believed to resolve clarity issues. It is respectfully requested that the objections to the above claims based on clarity be withdrawn.

The Office Action next reports that claims 1-5, 6-10 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent no. 6,786,537 to Allan et al. (hereinafter Allan). Claim 1 has been amended to recite an open roof assembly for a vehicle having a roof opening provided in a roof of the vehicle, the roof assembly comprising a frame part connectable to the roof of the vehicle, wherein the frame part comprises longitudinal and transverse drain channels adapted to extend substantially along edges of the roof opening, wherein the longitudinal and transverse drain channels are integrally constructed, receiving recesses extending along opposite longitudinal edges of the roof opening, and two guides, wherein a guide is disposed in each of the recesses and extends beyond portions of the transverse drain channels. [emphasis added]

Claim 1 has been amended to separately recite longitudinal and transverse drain channels. Importantly, claim 1 has been further amended so that "a guide is disposed in one of the recesses and extends beyond portions of the transverse guide channels". It is respectfully submitted that the amendments to claim 1 are properly supported in the application as originally filed at least in FIG. 2 and corresponding portions of the written description. Each of guides 8 extends beyond portions of two transverse guide channels generally corresponding to bridging sections 10, 11 of transverse guide channels 3, 4. [See Specification page 8, line 27 to page 9, line 6]

It is respectfully submitted that Allan does not teach or suggest the feature a guide that extends beyond portions of the two transverse guide channels as recited in claim 1. Rather, Allan discloses in its description of section 4-4 illustrated in FIG. 4 that:

The guide track 12 does not extend across this area. The drain member 14 is molded so that a wall 50 forms the first side of the water trough 18 through this area. [See FIG. 4, Col. 3, line 63 to Col. 4, line 1]

Thus, it is respectfully asserted that Allan teaches away, and therefore, does not suggest a guide that extend beyond portions of the transverse drain channels as recited in claim 1. In light of the foregoing, it is respectfully submitted that claim 1 is patentable over the cited art.

Claim 2 depends on claim 1 and has been amended to recite in part, "wherein the recesses of the frame part are shaped as gutters for engaging corresponding guides substantially at a bottom side and at substantially all of two lateral side surfaces of the corresponding guide." [emphasis added] Thus, claim 2 clarifies that the recesses engage corresponding guides at substantially all of two lateral side surfaces. It is respectfully submitted that Allan also does not teach or suggest

all the features of claim 2. Allan instead discloses receiving recesses that are very shallow, and therefore, do not include gutters that engage substantially all of two lateral side surfaces as recited in claim 2 and disclosed in the Specification and drawings. Thus, in light of the foregoing it is believed that claim 2 is patentable over the cited art.

Claim 3 has been amended to recite "wherein the transverse drain channels comprises bridging portions that are adapted to prevent the guides from moving upwards out of the gutters." It is respectfully submitted that Allan does not teach or suggest bridging portions as recited in claim 3. It is believed that Allan instead locks its guide track 12 to drain member 14 using interlocking features 22, 22'. Thus, it is respectfully submitted that claim 3 is patentable over the cited art.

Claims 4-6 are dependent on claim 1 and are believed to be separately patentable. Reconsideration and allowance of claims 1-6 are respectfully requested.

Claim 7 is independent and recites a frame part for application in an open roof assembly, the frame part comprising longitudinal and transverse drain channels adapted to extend substantially along edges of the roof opening, wherein the longitudinal and transverse drain channels are integrally combined, wherein said frame part defines receiving recesses, wherein each receiving recess is adapted for housing a guide, and wherein the transverse drain channels each comprise two bridging sections that connect to opposite longitudinal drain channels. [emphasis added]

Claim 7 has been amended at least to clarify drain channels that include both longitudinal and transverse drain channels and transverse drain channels that include two bridging sections. (See references 10, 11 in FIG. 2 and corresponding sections of the Specification). It is also noted that the present

Specification discloses that one function of these bridging sections is to secure guides 8 to gutters 7. (See Specification, page 3, lines 20-29, page 9, lines 1-5)

Minor amendments have been made to claims 8-11 to further clarify aspects of the present inventions. In light of the foregoing, it is believed that claims 7-11 are patentable over the cited art. Reconsideration and allowance of claims 7-11 are thus respectfully requested.

Finally, independent claims 12 and 13 are new. Claim 12 includes a feature where the transverse drain channels comprise bridging portions that bridge gutters and connect to the longitudinal drain channels. Claim 13 includes a feature where the gutters comprise substantially vertical side surfaces that engage with side surfaces of the guides. It is submitted that the features of claim 13 are supported at least at references 7, 8, 32, 35 illustrated in FIG. 2 and corresponding written description. Consideration and allowance of claims 12 and 13 are respectfully requested.

The Office Action also reported that claims 6 and 11 were rejected under 35 U.S.C. §103 based on the combination of Allan and U.S. Patent No. 4,969,681 to Schleicher et al. It is believed that the above referenced obviousness rejection is moot in light of the above discussed claim amendments, and therefore, has not been addressed in this communication.

A petition for a one-month extension of time is hereby requested. A check is included herewith for the extension fee.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: *Linda P. Ji*
Linda P. Ji, Reg. No. 49,027
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

LPJ:lms